

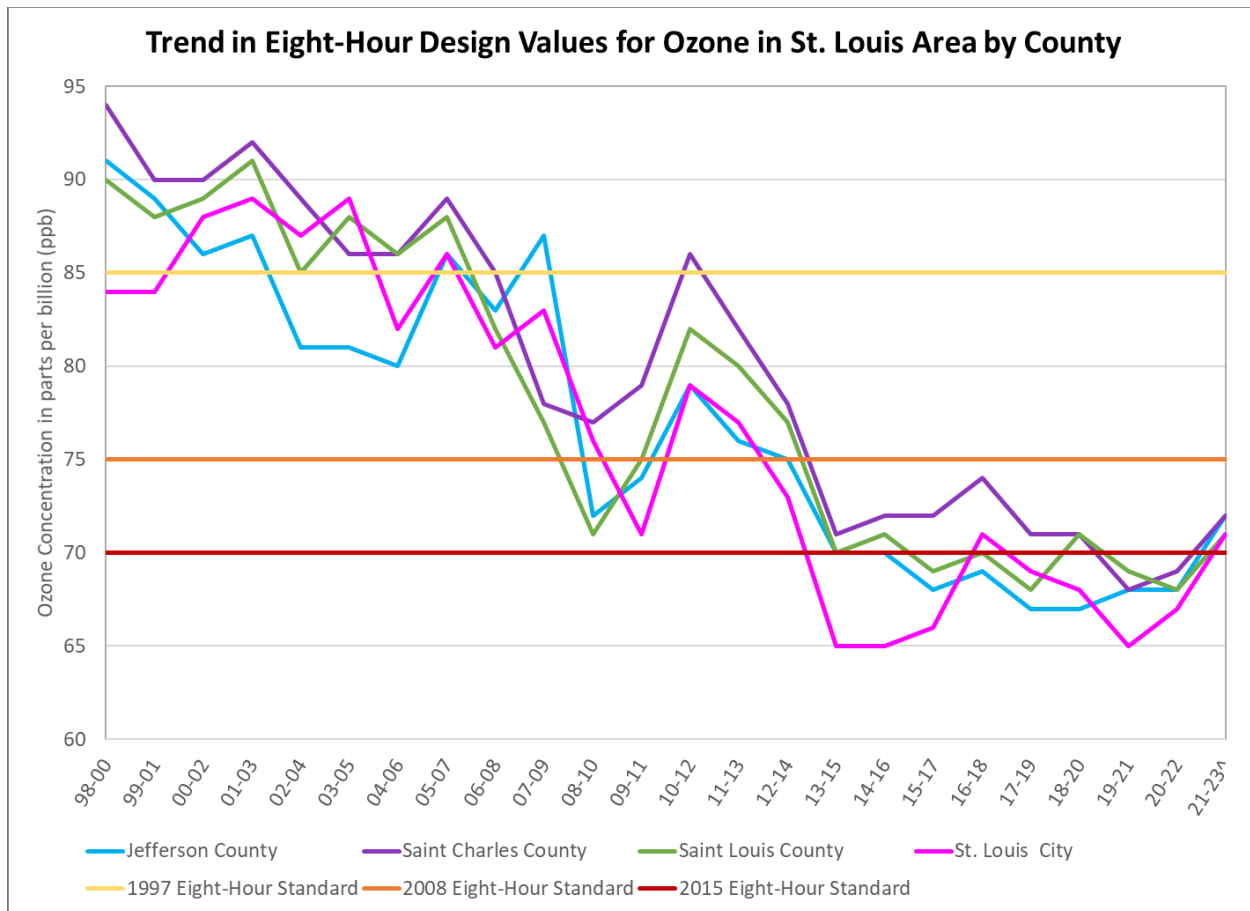


Annual Gateway Vehicle Inspection Program Report

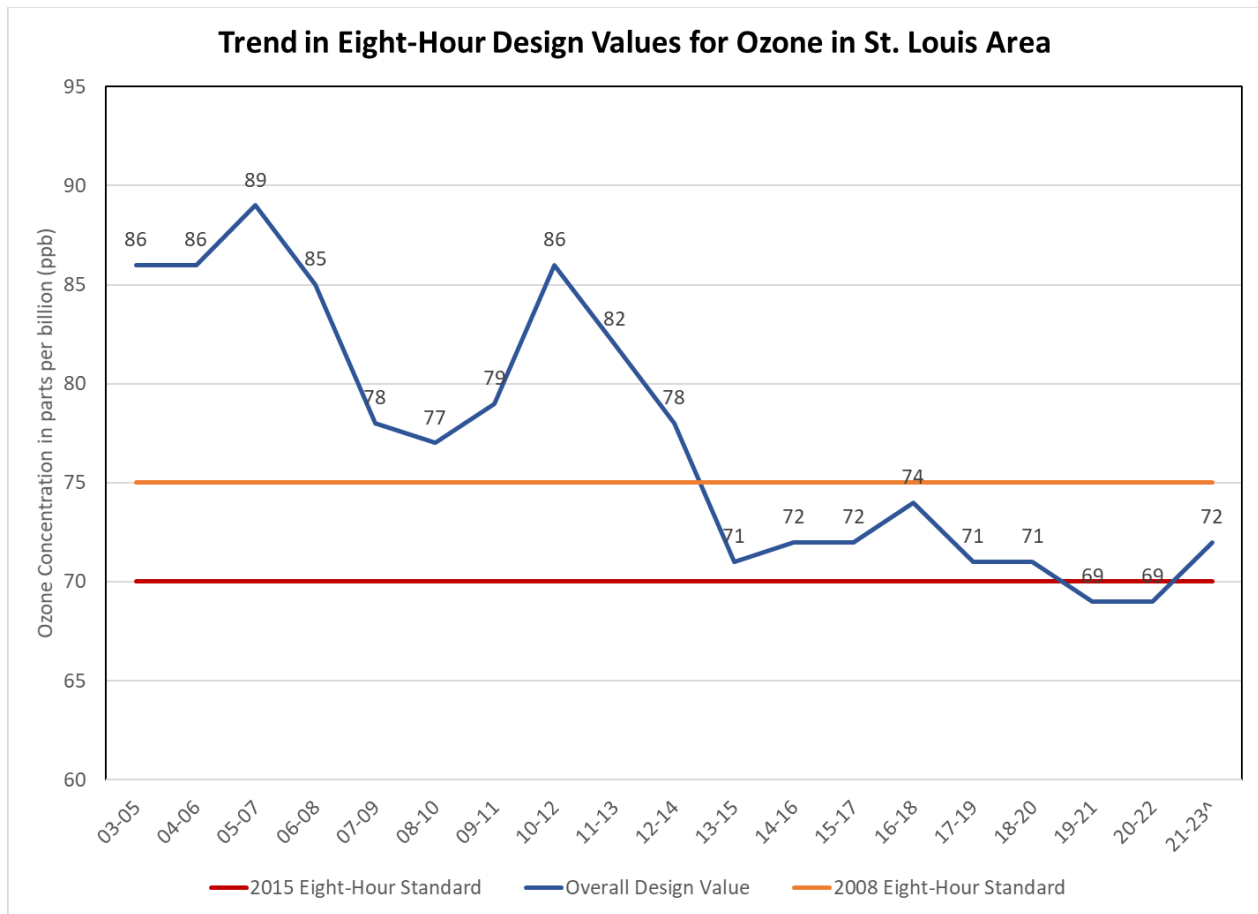
Fiscal Year 2023

Introduction

Pursuant to the Revised Statutes of Missouri (RSMo) 643.337.2, the Missouri Department of Natural Resources (Department) and the Missouri State Highway Patrol (MSHP) are issuing a joint annual report on the status of the vehicle emissions inspection program, known as the Gateway Vehicle Inspection Program (GVIP). This report summarizes GVIP compliance and incidents of fraud during the 2023 Fiscal Year (July 1, 2022-June 30, 2023) and provides recommendations to improve oversight measures. Additional reports related to the GVIP are available at: <https://dnrservices.mo.gov/gatewayvip/AnnualReports.htm>.



^The design value for 2021-23 has not been finalized for the ozone season.



[^]The design value for 2021-23 has not been finalized for the ozone season.

Background

The St. Louis area has historically been in violation of the National Ambient Air Quality Standards for ground-level ozone, a strong lung irritant. The charts above show that ground-level ozone concentrations in the St. Louis area have steadily declined over the past 20 years. The decline in ground-level ozone concentrations comes after years of effort by the Missouri Department of Natural Resources, Missouri State Highway Patrol, regulated facilities, and citizens working together to reduce air emissions.

Motor vehicles are a leading source of air pollution in the St. Louis area due to the large number of vehicles on the road and amount of miles traveled daily. In an effort to reduce pollution from motor vehicles and to lower ozone concentrations, the Department has overseen an inspection/maintenance (I/M) program for vehicles registered in the St. Louis area since the 1980s. There have been different versions of inspection/maintenance programs in the St. Louis area over time. The current inspection/maintenance program is the GVIP.

The Missouri Air Conservation Commission promulgated 10 CSR 10-5.381, “Onboard Diagnostics Motor Vehicle Emissions Inspection,” effective August 30, 2007. This rule established state regulations that the Department and MSHP currently use to oversee and enforce the emissions testing requirements of the GVIP. The Department is the lead agency for emissions inspections and the MSHP is the lead agency for safety inspections.

The GVIP is a decentralized inspection program in which a contractor manages day-to-day operations. Worldwide Environmental Products, Inc. (WEP) has held the current contract to implement the GVIP for the State of Missouri since June 12, 2017. WEP is currently in the final year of a contract period extension. A new Request for Proposal (RFP) has been submitted for contractors to bid on and is an ongoing process.

Until June 2018, the U.S. Environmental Protection Agency had designated the counties of Franklin, St. Charles, St. Louis, and Jefferson, and St. Louis City as an ozone nonattainment area as they did not meet the federal health-based air quality standards for ground-level ozone. In June 2018, EPA redesignated the majority of Franklin County to attainment (excluding Boles Township) for the 2015 8-Hour Ozone Standard. Since that time, the Missouri Department of Natural Resources amended the regulation 10 CSR 10-5.381 to exempt Franklin County from the emissions testing requirements. The exemption for Franklin County took effect July 1, 2022.

On April 13, 2022, EPA published a proposed rule in the federal register to identify all of the marginal ozone nonattainment areas and whether the areas attained the 2015 8-Hour Ozone Standard by their attainment date of August 3, 2021. Due to a monitored ozone violation at the Alton, IL air monitor during the summer of 2022, the St. Louis area did not attain by the attainment date, and despite the Department's best efforts, the St. Louis area was reclassified from a marginal to a moderate ozone nonattainment area. Moderate ozone nonattainment areas are required to implement a vehicle emission inspection program that meets EPA's requirements for "basic" I/M programs. Therefore, since the area has been reclassified to moderate ozone nonattainment, the GVIP will no longer be considered a voluntary program.

Station Licensing

As of June 2023, Missouri had 748 public and 26 private or government owned active licensed GVIP stations and 4,047 active licensed inspector/mechanics. A current directory of licensed GVIP stations is available at: <http://www.missourigvip.com/Stations>.

Vehicle Inspection Data

Each licensed GVIP station performs vehicle inspections using a Missouri Decentralized Analyzer System (analyzer system). This analyzer system sends real-time inspection information from inspection stations directly to the GVIP Vehicle Inspection Database (VID). The Department, MSHP, Department of Revenue (DOR) and DOR contract license offices have access to the database through secure Internet connections. DOR contract license offices and the DOR plate renewal website use the real-time inspection information to verify if motorists have met the inspection requirements needed to register. During Fiscal Year 2023 (FY2023), GVIP stations conducted 765,799 initial emissions inspections.

The goal of the GVIP is to improve air quality in the St. Louis region by identifying and addressing vehicle emission related problems. There were a total of 765,799 vehicles inspected in FY2023. Of those vehicles, 15,433 vehicles failed their initial emissions test. This resulted in an overall compliance rate of 98%.

Emissions Waivers and Exemptions

10 CSR 10-5.381(3)(K) enables the Department to issue waivers and exemptions from the GVIP requirements. Just like inspection results, waivers and exemptions issued by the Department are available for real time verification by DOR, DOR contract license offices, and the DOR plate renewal website via the VID.

- *Cost-Based Waivers* – granted by the Department if motorists spend a specified amount on emissions-related repairs after the vehicle fails an initial emissions inspection and still are unable to pass the emissions test. During FY2023, the Department received 188 repair and estimate of repair waiver requests. Staff issued 93 cost-based repair related waivers and issued 70 denials or close-outs due to inadequate repairs or responses. Staff issued 186 estimate-based waivers, which provide motorists two years to bring their vehicle into emissions compliance. The Department denied or otherwise closed out another 49 requests. In addition, 10 vehicles passed a post-waiver application emissions inspection after owners were told by the Department that a retest was required as part of the waiver process. Staff also investigated and approved 148 ‘Technical Waivers’ for vehicles unable to pass the emissions inspection due to vehicle communication software issues. The number of ‘Technical Waivers’ issued has increased recently as a result of more communication issues with newer model year vehicles.
- *Out-of-Area Waivers* – granted by the Department for vehicles that are registered within the ozone nonattainment area but not driven in the area during the registration period. During FY2023 the Department received 297 applications. The Department issued 268 Out-of-Area waivers, primarily for businesses such as AT&T, Brauer Supply Company, and Missouri Baptist Children’s Home. Of these applications, 29 were either denied by the Department or determined unnecessary.
- *Reciprocity Waivers* – granted by the Department for vehicles registered within the ozone nonattainment area but located in another state. These vehicles have to pass an equivalent emission inspection in that state. During FY2023, the Department issued 52 reciprocity waivers.
- *Mileage-Based Exemptions* – granted by the Department for vehicles documented to meet mileage waiver criteria as specified in the rule. During FY2023, the Department received 2,379 applications, with 479 of which came from motorists who visited the Department’s St. Louis Regional Office. Department staff issued 2,315 Mileage-Based exemptions. Of these applications, Department staff denied 39 applications and deemed 21 unnecessary for various reasons (e.g. such as already passing an emissions test).

Data Oversight Methods

Real Time Inspection Data/Paperless Inspection Verification

Analyzer systems connect to the GVIP VID using an Internet connection, uploading the data immediately for inspection verification. Entities that use the VID for inspection verification include the Department, the MSHP, WEP, DOR, DOR contract license offices and the DOR plate renewal website. This allows license offices to quickly identify fraudulent vehicle

inspection reports, deny vehicle registrations, and report issues of concern so that investigations can begin immediately.

Bulletin Messaging and Documents Menu

Each analyzer system contains a messaging program that allows the Department, MSHP, and WEP to contact GVIP stations, individually or collectively, to inform inspectors and mechanics about inspection procedures, billing reminders, and software updates. WEP has equipped each analyzer system with a “Document” menu, which will store and print GVIP regulations and fact sheets, as well as forms for comments, waivers, and exemptions. This has simplified the distribution of public information to inspection stations and to vehicle owners.

Technical Service Centers for Consumer Protection

Cost-based waivers allow a vehicle to be registered and operate for up to two years following a failed emissions inspection after receiving qualifying repairs. Therefore, the Department strives to ensure repairs made to vehicles receiving a cost-based waiver are appropriate and beneficial. Through negotiated contracts, the Department retains the services of approximately 11 vehicle repair facilities to serve as Technical Service Centers. These Technical Service Centers employ Missouri Recognized Repair Technicians who are certified by the National Institute for Automotive Service Excellence in specific areas, specializing in diagnosing the cause of a failing emissions test.

These Technical Service Centers:

- Diagnose readiness monitor issues with specific makes and models. This helps identify vehicles requiring special testing circumstances and smooths the path for future testing.
- Diagnose vehicles that received repairs, but show no signs of improvement.
- Review work performed on vehicles and examine receipts to determine if repairs performed were necessary and performed as billed.
- Provide motorists with accurate diagnostic information on how best to repair their vehicle to pass an emissions test.

The Department can deny cost-based waiver requests if reviews show repairs were not appropriate for correcting the emissions failure. Many times the Department works with shops that performed the initial repairs to reimburse the motorist or provide additional free repairs. Using Technical Service Centers reduces the number of cost-based waivers, thereby minimizing emissions from waived vehicles while also maximizing the number of fully repaired vehicles.

Equipment Oversight Methods and Tools

Laptop Audit Computers with Wireless Internet Access

Department and MSHP auditors use laptop computers with both analyzer system software and customized auditing software. These allow auditors to securely access the VID to conduct audits and review inspection records for all stations and inspector/mechanics while in the field. Once the auditors complete an audit, staff managers can immediately review audit results and generate summary audit reports from the inspection database. This allows for a quicker Department response when identifying fraudulent inspections and procedures.

Digital Cameras

Each inspection system includes a digital camera application. The analyzer system’s software

requires licensed inspector/mechanics to photograph the rear license plate, the dashboard vehicle identification number, and the odometer. The inspector/mechanics attach these photographs to the vehicle inspection reports on the VID where they are available for review and comparison to previous inspection reports. Using the VID, the Department and MSHP are then able to identify inspector/mechanics taking improper or no photos prior to inspections.

Fingerprint Readers

Each inspection system includes a digital fingerprint reader. The software requires licensed inspector/mechanics to scan one finger before beginning inspections. Fingerprint readers have dramatically improved enforcement efficiency by documenting and pinpointing inspector/mechanics conducting inspections improperly.

Enforcement

Station Audits

The Department and MSHP conduct overt and covert audits of GVIP stations. During covert audits, the Department uses a fleet of four vehicles altered to fail. These vehicles help the Department assess the effectiveness of emission tests and prevent fraud at test stations. The MSHP also has a vehicle with defects to help MSHP staff evaluate safety inspections at stations. During FY2023, the Department conducted 290 overt analyzer and facility audits. Additionally, the Department conducted 48 covert vehicle inspections, 1,898 inspector audits, and 714 data audits of GVIP stations. MSHP conducted approximately 4,885 overt audits and 47 covert audits.

Trigger Reports

Once uploaded to the inspection database, inspection data becomes available to the Department, MSHP, DOR and the state's contractor via an Internet-based reporting software suite.

The Department and MSHP have the ability to run "trigger reports" to identify patterns in emissions or safety inspections that indicate deviations from state regulations. The trigger reports will provide evidence to initiate an investigation.

Clean Scanning

Fraudulent inspection activities, such as clean scanning (the illegal act of connecting an analyzer system cable to a different vehicle than the one identified on the inspection report in order to bypass the required test), violate the Clean Air Act. Fraudulent inspections are prosecutable by the U.S. Attorney's Office. The Department and MSHP collaborate with the criminal investigation division of the U.S. Environmental Protection Agency (EPA) and the U.S. Attorney's Office on investigations of vehicle inspection fraud and inspection document falsification.

Enforcement Cases with Monetary Penalties

The Department has two ongoing enforcement cases with monetary penalties during this reporting period. One of the cases involved clean scans. The other involved un-licensed inspectors performing emission inspections.

Equipment Lockouts and License Suspensions/Revocations

The MSHP and WEP have the ability to apply an electronic "lockout," which prevents an individual inspector/mechanic or a GVIP station from using their analyzer system(s). Lockouts

can be implemented for a variety of reasons. Some common reasons for lockouts include completing an inspection without photos, performing excessive offline testing, failing an audit, using unauthorized equipment, or for lack of payment. During FY2023, the MSHP and WEP initiated 189 lockouts. The removal of a lockout occurs upon the completion of the license suspension or the correction of the violation.

The Department and MSHP continuously investigate additional GVIP stations and inspector/mechanics for improper inspection activities.

Oversight Results

The GVIP prevents registration fraud by investigating and identifying individuals producing fraudulent inspection reports. The Department and MSHP continuously investigate additional GVIP stations and inspector/mechanics for improper inspection activities.

When implemented in 2007, the GVIP introduced an improved auditing system, streamlining the Department and MSHP oversight of safety inspections and testing of emissions-control systems. These oversight methods empower the Department and MSHP to produce cost-effective audits, detect fraud, and enforce state regulations regarding safety inspections and emissions testing.

Recommendations for the Future

The Department and MSHP continually strive to improve our ability to detect fraud and ensure accuracy of data. The Department continues to move forward by identifying areas of possible improvement to the GVIP, including:

- Continue efforts to seek and prevent fraudulent inspection procedures and clean scanning. With ongoing improvements to the reporting system, and varied covert audit techniques, the Department and MSHP will continue to improve our ability to identify improperly conducted inspections.
- Continue working with DOR to improve the registration process through identifying and preventing invalid registration obtained with counterfeit inspection reports, ensuring individual licensing offices conduct proper verifications, minimizing problems or confusion with GVIP exempted vehicles, and minimizing issues associated with online registrations.
- Continue efforts to coordinate with DOR and the Missouri Attorney General's Office Consumer Protection Division to bring enforcement action against used car dealers who fail to meet the requirements of RSMo. 643.315.4.
- Continue to investigate options to reduce the burden of the GVIP requirements from the City of St. Louis and Jefferson, St. Charles, and St. Louis counties.

Conclusion

The Department and MSHP oversight has elevated the GVIP to stand among the top vehicle inspection programs in the country. Thanks to the GVIP and other efforts to control air pollution

in the St. Louis area, design values for ozone continue to be at historic lows. In an effort to achieve higher compliance, the Department and MSHP will continue working with the contractor to refine the oversight tools needed to identify violations and improve enforcement capabilities. Both agencies will continue to ensure compliance with state statutes and rules, remove violators from the program, and work for the public health and safety by overseeing an inspection program that has proven value and integrity.

On January 27, 2022, the Missouri Air Conservation Commission adopted an amendment to 10 CSR 10-5.381 to exempt vehicles registered in Franklin County from the motor-vehicle inspection and maintenance requirements of the GVIP. Eliminating Franklin County from the requirements of this rule corresponds with Missouri's State Implementation Plan (SIP) revisions addressing changes in designations to the St. Louis area of Missouri for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). This amendment went into effect on July 1, 2022.